

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**ESTATE OF MYRA P. DUTTON,
JOHN P. DUTTON, EXECUTOR,**

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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Case No. C2:08-CV-1102

JUDGE MARBLEY

MAGISTRATE JUDGE KEMP

ORDER

This matter comes before the Court on Defendant's Unopposed Motion to Vacate Status Conference (Dkt. 23). The basis for Defendants' Motion to Vacate is that the parties have reached a settlement, which requires the United States to abate a portion of the penalties at issue as well as the interest attributable to those abated penalties. The Tax Division of the United States Department of Justice authorized the Internal Revenue Service to issue a refund to Plaintiff in accordance with the parties' settlement agreement. The United States expects the Internal Revenue Service to issue a refund check between the end of October and the middle of November. Upon receipt of the refund check, the parties shall file a stipulation of dismissal with the Court. As Defendants have shown good cause for vacating the status conference, the Court **GRANTS** Defendant's Unopposed Motion to Vacate Status Conference. The status conference is rescheduled for **November 22, 2010 at 10:00 a.m.**

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT COURT

Dated: October 13, 2010